

**MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
Tuesday, June 25, 2013
Meeting
9:30 a.m.
OPEN SESSION**

1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.
2. **ROLL CALL** – Board Members in attendance: Erick F. Weiland, LeRoy Brady, Douglas T. Whitneybell, Stuart R. Lane, Edward T. Marley, Robert Stanley, Jason K. Madison and Douglas Folk. Absent: Alejandro Angel, Ph.D. Staff: Melissa Cornelius, Lorraine Brown, Kathryn Fuller, Manuel Maltos, Lisa Vardian and Gina Latour. Assistant Attorney General: Elizabeth Campbell.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **ADOPTION OF MINUTES**
Review, Consideration and Possible Action on the following:
 - A. Mr. Marley moved to approve the May 28, 2013 minutes. Mr. Brady seconded. After discussion, motion carried.
 - B. Mr. Lane moved to approve the June 11, 2013 minutes with one (1) minor modification. Mr. Stanley seconded. After discussion, motion carried.
5. **ENFORCEMENT MATTERS**
Review, Consideration, and Possible Action on the following:
 - A. Proposed Dismissals
 1. M13-025, Mark E. Orr, P.E. (Civil) #45655 – Mr. Madison moved to dismiss the case. Mr. Lane seconded. After discussion, motion carried.
 - B. Proposed Letters of Concern
 1. M13-040, Dennis F. Keogh, Land Surveyor #10846 – Mr. Lane moved to issue a Letter of Concern to Respondent for failure to apply the technical knowledge and skill which would be applied by other qualified registrants who practice the same profession in the same area and at the same time, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(6). Mr. Folk seconded. After discussion, motion carried.
 2. M13-037, Eric T. Morton, Land Surveyor #44422 – Mr. Lane moved to issue a Letter of Concern to Respondent for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standard, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13). Mr. Marley seconded. After discussion, motion carried.
 3. M13-019, Gary Stocker, Land Surveyor #17516 – Mr. Lane moved to issue a Letter of Concern to Respondent for not recording a survey in the Maricopa County Recorder's

Office within the thirty (30) days allotted by the Board. Mr. Whitneybell seconded. After discussion, motion carried.

4. M12-066, Gary Bryan Gotzenberger, Land Surveyor #31020 – Mr. Lane moved to issue a Letter of Concern for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13). Mr. Whitneybell seconded. After discussion, motion withdrawn.

Mr. Folk moved to issue a Consent Agreement with a Letter of Reprimand, peer review on three (3) of Respondent's surveys and pay the cost of investigation, if not accepted case will be forwarded to a formal hearing for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13). Mr. Lane seconded. After discussion, motion carried.

5. Mr. Lane moved to combine agenda items 5.B.5 and 5.B.6 and to issue a Consent Agreement. Mr. Folk seconded. After discussion, motion carried.

(5.B.5) M12-037, David S. Klein, Land Surveyor #42137 – The Board moved to issue a Consent Agreement with a Letter of Reprimand, peer review on three (3) of Respondent's surveys and pay the cost of investigation, if not accepted case will be forwarded to a formal hearing for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13).

6. (5.B.6) M11-046, David S. Klein, Land Surveyor #42137 – The Board moved to issue a Consent Agreement with a Letter of Reprimand, peer review on three (3) of Respondent's surveys and pay the cost of investigation, if not accepted case will be forwarded to a formal hearing for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13).
7. M13-050, Donald J. Loose, Land Surveyor #23379 – Mr. Lane moved to dismiss the case. Mr. Madison seconded. After discussion, motion carried.

C. Proposed Consent Agreements

Mr. Lane moved to place agenda items 5.C.1 – 5.C.4 on consent agenda and to accept Staff's recommendations. Mr. Whitneybell seconded. After discussion, motion carried.

CONSENT AGENDA

1. (5.C.1) M13-001, Arizona Boundary Services – on consent agenda, the Board moved to accept Respondent Firm's signed Consent Agreement encompassing the following Order: Pay an administrative penalty in the amount of \$500.00 and pay the cost of investigation in the amount of \$75.00.
2. (5.C.2) M12-038, Jeremy R. Dalmacio, Land Surveyor #49864 – on consent agenda, the Board moved to accept Respondent's signed Consent Agreement encompassing the following Order: Respondent's Land Surveyor Registration be placed on probation

the following Order: Respondent's Land Surveyor Registration be placed on probation until an amended survey and recorded survey with Maricopa County Recorder's Office is completed and pay the cost of investigations in the amount of \$225.00.

3. (5.C.3) M09-011 and M09-089, Raad M. Salih, P.E. (Civil) #34016 – on consent agenda, the Board moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, take and successfully complete a professional course in the area of hydrology / hydraulics, pay an administrative penalty in the amount of \$500.00 and pay the cost of investigation in the amount of \$715.00.
4. (5.C.4) M10-069, Joshua L. Vukoder, Land Surveyor #41114 – on consent agenda, the Board moved to accept Respondent's signed Consent Agreement encompassing the following Order: Respondent's Land Surveyor Registration be placed on probation until an amended survey and recorded survey with Maricopa County Recorder's Office is completed and pay the cost of investigations in the amount of \$245.00.

REMOVED FROM CONSENT AGENDA
Handled Separately

5. (5.C.5) M10-095, Sigmond Timothy Hopps, Land Surveyor #13011 – Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following Order: Voluntary Surrender of Respondent's Land Surveyor Registration and pay the cost of investigation in the amount of \$165.00. Mr. Marley seconded. After discussion, motion carried.

D. Proposed Peer Review Candidate

1. M05-174 and M06-293, Raad M. Salih, P.E. (Civil) #34016 – Mr. Madison moved to approve Respondent's peer review candidate to review Respondent's next two (2) grading and drainage projects. Mr. Lane seconded. After discussion, motion carried.

E. Discussion and Consideration and Possible Action

1. M11-071, Michael P. Wier, Land Surveyor #07247 – Mr. Folk moved to reject Respondent's counterproposal to pay costs of investigation of \$240.00 and a Letter of Concern in lieu of formal disciplinary action and re-offer original Consent Agreement. If a signed Consent is not obtained within thirty (30) days then forward to formal hearing for failure to apply the technical knowledge and skill which would be applied by other qualified registrants who practice the same profession in the same area and at the same time, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(6). Mr. Stanley seconded. After discussion, motion carried.
2. M10-050, Michael D. Gregory, P.E. (Civil) #29675 – Respondent was not able to appear and requested case be tabled until next month in order for him to address the Board. No action taken by the Board.

6. LICENSING MATTERS

Review, Consideration, and Possible Action on the following:

- A. Pozen, Brian, Architect Application #040392 – Mr. Pozen addressed the Board telephonically. Mr. Whitneybell moved to grant Applicant a two (2) year extension to take

and pass the Architect Registration Examinations (ARE). Mr. Marley seconded. After discussion, motion carried.

- B. Axelrod, Jason, Architect Application #021760 – Mr. Marley moved to deny Applicant's request for an extension. Applicant will have to reapply for Professional registration and then he must complete the Intern Development Program (IDP). Mr. Folk seconded. After discussion, motion carried.
- C. Merfeld, Richard, Architect Application #030628 – Mr. Merfeld addressed the Board. Mr. Marley moved to deny Applicant's request for an extension. Mr. Lane seconded. After discussion, Applicant withdrew his request and will re-apply.

The Board reopened agenda item. Mr. Merfeld addressed the Board.

Mr. Marley moved to grant Applicant a two (2) year extension to take and pass the ARE. Mr. Lane seconded. After discussion and roll call of five (5) Ayes and three (3) Nays, motion carried.

- D. Ballantyne Jr., Thomas, Architect Application #130466 – Mr. Ballantyne addressed the Board. Mr. Marley moved to deny Applicant's request for a waiver of examinations requirements and not allow him to reactivate his previous registration. Mr. Folk seconded. After discussion, motion carried.
- E. Langer, William, Geologist Application #130104 – Mr. Weiland moved to deny Applicant's request for a waiver of the Fundamentals of Engineering (FE) examination. Mr. Brady seconded. After discussion, motion withdrawn.

Mr. Weiland moved to grant Applicant a waiver of the FE and for Applicant to take and pass the Practice of Geology (PG). Mr. Brady seconded. After discussion, motion carried.

7. LICENSING CONSENT AGENDA

- A. Review, Consideration, and Action on the Evaluation Committee and Staff recommendations for the following: (Lists of names available at the Board's office for public review):
 - 1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. § 32-122.01 and § 32-123.
 - 2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122.
 - 3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications pursuant to A.R.S. § 32-122.01 and § 32-123.
 - 4. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area

of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. § 32-122, § 32-122.01, and § 32-123.

5. Administratively closing professional or in-training applications pursuant to A.R.S. § 32-122, § 32-122.01(A); A.A.C. R4-30-204(E).

Mr. Stanley moved that the applicants listed in 7A(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 7A(2) be approved to sit for the professional or in-training examinations. Mr. Lane seconded. After discussion, motion carried.

Mr. Stanley moved that the applicants in 7A(3) be granted professional registration; that the applicants. Mr. Marley seconded. After discussion, motion carried.

Applicants, Mark Kilian, Paul Cummins, Steven Rust, James Clayton and Lydell Yazzie addressed the Board. Mr. Stanley moved that the applicants listed in 7A(4) be granted professional registrations, certifications, or in-training designations or authorizations to test for those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions; and the applicants listed in 7A(5) be administratively closed. Mr. Madison seconded. After discussion, motion carried.

8. **POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

- A. Review, discussion and possible action on Canadian recognition for Arizona registered Geologists under N143-101.

Mr. Weiland provided background information to the Board on this matter. After discussion it was determined that Mr. Weiland would gather more information and documents from National Association of State Boards of Geology (ASBOG) and bring back to the Board. No action was taken by the Board.

- B. Review and approval of National Council of Examiners for Engineering and Surveying (NCEES) Letter regarding automatic testing approval.

The Board discussed additional information will need to be added to the letter in order to comply with State contract requirements.

Mr. Folk moved to authorize Director Cornelius to propose the additional language to NCEES. Mr. Marley seconded. After discussion, motion carried.

- C. Discussion and possible action on whether to issue a press release regarding the retirement of Ronald Dalrymple, the hiring of Ms. Cornelius as Executive Director and the hiring of new staff in key positions.

Mr. Marley moved to approve the press release with modifications to include other Staff retirements. Mr. Lane seconded. After discussion, motion carried.

9. REVIEW, CONSIDERATION, AND ACTION ON THE FOLLOWING:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled:
(None this month)
- B. Certifications that have been expired for one (1) year and recommended to be cancelled and applications that have been incomplete for one (1) year recommended to be closed:
(List available at the Board's office)

Mr. Stanley moved to cancel the certifications which have been expired for one (1) year and close the applications that have been incomplete for one (1) year. Mr. Marley seconded. After discussion, motion carried.

10. **DIRECTOR'S REPORT** – Director Cornelius provided a written report and advised that the budget passed by the Legislature did not have an appropriation for the needed computer upgrades. We are still awaiting the formal Attorney General opinion regarding the certification of Alarm Businesses and Agents. However, a Registrar of Contractors (ROC) bill was passed this session which exempted alarm agents to be registered with the ROC. The drug laboratory rule package was discussed at the Governor's Regulatory Review Counsel (GRRC) Study Session this morning and received a passing recommendation. The rule package will go before GRRC on July 9, 2013. In review of the number of open drug laboratory cases it would be more efficient to classify them as "monitoring" cases. Additionally, it may be beneficial to request advice from the Attorney General's office on the Board's authority to re-post properties under A.R.S. § 12-1000.

11. **BOARD CHAIR'S REPORT** – Mr. Weiland expressed appreciation to Director Cornelius for accepting the Executive Director position and to the retirees for their dedication to the Board.

12. STANDING COMMITTEE REPORTS

- 1. Legislation and Rules Committee (L&R) – Next meeting is scheduled for July 18, 2013.
- 2. Budget Committee – Director Cornelius provided a written cash flow report.
- 3. Home Inspector Rules and Standards Committee (HIRSC) – No report given.
- 4. Environmental Remediation Rules and Standards Committee (ERRSC) – No report given.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- 1. National Council of Examiners for Engineering and Surveying (NCEES) – Director Cornelius reported the annual meeting will be at the end of August in San Antonio.

2. National Council of Architectural Registration Boards (NCARB) – Mr. Marley reported that he and Director Cornelius attended the annual meeting between June 19th through 22nd in San Diego and provided a written report.
3. Council of Landscape Architectural Registration Boards (CLARB) – Mr. Brady reported there is a meeting in September in Minneapolis.
4. National Association of State Boards of Geology (ASBOG) – Mr. Weiland reported that he and Director Cornelius will be attending a meeting in November.
5. Public Member News/Information – No report given.

14. FUTURE BOARD MEETINGS

- A. Tuesday, July 23, 2013 at 9:30 a.m.

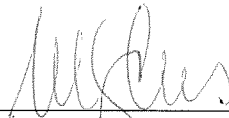
15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS

- Discuss and possible action on forming a Licensing Committee
- Discuss number of Land Surveyor complaints with repetitive problems

16. ADJOURNMENT – Meeting adjourned 1:10 p.m.



Erick Fred Weiland, Chairman



Melissa Cornelius, Executive Director